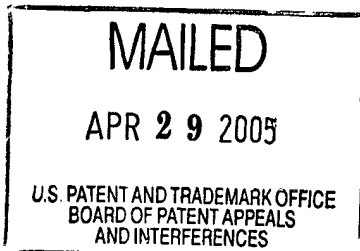


The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte C. KENT ALDRIDGE

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Appeal No. 2005-1008  
Application No. 09/966,487

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ON BRIEF

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Before KIMLIN, WARREN and DELMENDO, Administrative Patent Judges.  
KIMLIN, Administrative Patent Judge.

REMAND TO THE EXAMINER

We remand the application to the examiner for consideration and explanation of issues raised by the record. 37 CFR § 41.50(a)(1) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)); Manual of Patent Examining Procedure (MPEP) § 1211 (8th ed., Rev. 2, May 2004); 1200-29 - 1200-30.

Appellant made the following substantive argument in the Reply Brief that was not present in the principal brief:

However, the Reiter reference does not "inherently suggest the step of 'crimping a first seal member to the first interface surface of the inner ring.'" The Examiner assumes that there is no difference in forming a seal member to snap-fit into a groove and crimping the seal member into the groove. However, that is not true. In Reiter, a seal case 62 is crimped to the outer surface of a cup 24. See Reiter, Fig 2. The outer surface of the cup 24 and the seal case 62 are easily accessible to a crimping tool because they are located on the exterior of the bearing assembly. See Reiter, Fig 2. In contrast, the first metal part 54 of Mondak would have to be crimped to the interior surface of the annular outer ring 12 in order to secure the first metal piece 54 to the annular outer ring 12. A tool would have to be inserted into the annular outer ring 12 and urged outward to crimp the first metal part 54 to the annular outer ring 12. This requires a different tool and a different approach to crimping than the approach to crimping followed by Reiter. It simply is not true that the Reiter reference inherently suggests the means or the method for crimping the first metal part 54 to the interior surface of the annular outer ring 12 of Mondak. Furthermore, the crimping of the first metal part 54 to the interior surface of the annular outer ring 12 would have to be performed after the second metal part 56 is crimped to the annular inner ring 10 of Mondak. However, the Reiter reference does not enable one skilled in the art how to perform either of these crimping actions.


Since the examiner did not have the opportunity to respond to this argument set forth by appellant regarding the combined teachings of Mondak and Reiter and the asserted non-enablement of the Reiter reference, we remand the application to the examiner for his response to appellant's argument.

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This remand to the examiner pursuant to 37 CFR § 41.50(a)(1) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)) is made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) applies if a supplemental examiner's answer is written in response to this remand by the Board.

REMAND

Edward C. Kimlin  
EDWARD C. KIMLIN )  
Administrative Patent Judge )

  
CHARLES F. WARREN  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

  
ROMULO H. DELMENDO  
Administrative Patent Judge

ECK:clm

Appeal No. 2005-1008  
Application No. 09/966,487

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